

Copy of Transcript

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IAN J. BROWN, JAMES BROWN,
and BARBARA BROWN,

Plaintiffs,

VS.

CIVIL ACTION NUMBER:
04-11924-REGS

UNITED STATES OF AMERICA,
VERIZON NEW ENGLAND, INC.,
and BOSTON EDISON COMPANY
d/b/a NSTAR ELECTRIC,

Defendants.

**DEPOSITION OF
CHARLES GENETTI**

May 26, 2006
11:06 a.m.

Residence of Charles Genetti
27 Hartwell Road
Bedford, Massachusetts 01730

Susan A. Romano, Notary Public, Register Merit Reporter and
Certified Realtime Reporter within and for the Commonwealth of Massachusetts



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1 Q. Your entire life.

2 A. Yeah.

3 Q. Sir, are you retired currently?

4 A. What's that?

5 Q. Are you retired now?

6 A. Yes.

7 Q. When did you retire?

8 A. 1983.

9 Q. Where were you working at the time
10 you retired?

11 A. For the Department of Public Works,
12 Town of Bedford.

13 Q. When did you start working for the
14 Department of Public Works?

15 A. 1948.

16 Q. Before you started with the
17 Department of Public Works for the Town of
18 Bedford what did you do for employment?

19 A. I was in the service for three
20 years, and I worked one year at a cotton
21 mill.

22 Q. What branch of the service?

23 A. The U.S. Navy Seabees.

24 Q. Did you serve in World War II?



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1 A. Yes.

2 Q. Where did you serve?

3 A. I served -- I was in Hawaii and
4 the Island of Tinian.

5 Q. How did you come to work for the
6 Department of Public Works?

7 A. I was looking for a job and the
8 work that we'd done in the Navy was
9 construction work and I thought that would
10 be my best fit.

11 Q. When you retired in 1983 what was
12 your title at the Department of Public
13 Works?

14 A. I was the foreman of the highway
15 and grounds division.

16 Q. Do you remember when you first
17 became foreman of the highway and grounds
18 division?

19 A. No.

20 Q. Approximately?

21 A. Probably in 1954, '55.

22 Q. Were your duties basically the same
23 during the entire time you were foreman of
24 the highway and grounds division?



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1 grounds, when you first started, what were
2 your duties generally speaking back in the
3 early '50s?

4 A. Well, we used to do street cleanup,
5 put liquid asphalt on highways and
6 supervise the contractor that was putting
7 down the hot top. At the cemetery I used
8 to supervise the men as they, you know,
9 cut -- make sure the grass was cut, buried
10 -- buried people as we got orders from the
11 higher-ups, someone is deceased, and we
12 used to maintain the school grounds.

13 Q. Were these duties that you've
14 described for us, were they essentially
15 the same duties you had throughout your --

16 A. Yes.

17 Q. -- work as foreman of highway and
18 grounds division?

19 A. Yes.

20 Q. Okay. At any time when you were
21 foreman there did you have any involvement
22 in any way with the installation of any
23 guardrails in the town any place in the
24 town?



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1 A. That I don't know. I had nothing
2 to do with that decision.

3 Q. Do you know whether it was a
4 particular individual that made that
5 decision?

6 A. That I can't answer either.

7 Q. When you were foreman did you get
8 involved in snow removal?

9 A. Yes.

10 Q. Did you get involved in snow
11 removal on Hartwell Road?

12 A. Yes.

13 Q. Is it fair to say that during the
14 time you were foreman the town took care
15 of snow removal on Hartwell Road?

16 A. Yes.

17 Q. During the time that you were
18 foreman did the town take care of Hartwell
19 Road's road maintenance?

20 A. Yes.

21 Q. What type of maintenance did the
22 town do on Hartwell Road when you were
23 foreman?

24 A. We used to keep it clean, cut the



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1 brush on the side of the roads and put
2 liquid asphalt and hot top when needed.

3 Q. When you were foreman did you ever
4 encounter circumstances where manholes
5 would sink below the level of roadways on
6 town roads?

7 A. Would you repeat that question?

8 Q. During the time you were foreman
9 did you ever encounter situations where
10 from time to time a manhole would sink
11 down below roadway level on town roads?

12 A. The manhole wouldn't sink. The
13 frost would heave the asphalt above it.

14 Q. Thanks for correcting me on that.
15 When you encountered such circumstances
16 what would you do, if anything, to fix it?

17 A. We would put a temporary patch over
18 it.

19 Q. A patch of asphalt?

20 A. Cold asphalt.

21 Q. Now, when you say "over it," what
22 do you mean specifically? You don't mean
23 cover the manhole.

24 A. Cover the manhole until spring, and



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1 then when the road went back down we'd
2 take the asphalt off.

3 Q. So you'd literally cover the
4 manhole over.

5 A. If it was -- You know, if it was
6 dangerous, yes, but we didn't do it to all
7 of them.

8 Q. Was there a definition you had of
9 what constituted dangerous?

10 A. No.

11 Q. How did you determine -- Strike
12 that.

13 A. We -- We went by -- Excuse me.

14 Q. Who was the person that made the
15 determination as to whether or not it was
16 dangerous?

17 A. I did.

18 Q. And what did you use to make that
19 determination?

20 A. If it was more than 2 inches below
21 the asphalt.

22 Q. What was your basis of arriving at
23 that 2-inch criteria?

24 A. I don't know. Just something that



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24

1 I just done. That's all. It's no more
2 -- The way I looked at it was no more
3 than going over a hole in the road.
4 That's -- That's the way I looked at that.

5 Q. Now, when you went back in the
6 spring to fix the situation --

7 A. Yeah.

8 Q. -- you said you would remove the
9 asphalt over the top of the manhole?

10 A. Yeah.

11 Q. And what else?

12 A. That's it. The old -- The asphalt
13 around it would set right back down in
14 place.

15 Q. Did you ever do that on Hartwell
16 Road?

17 A. Oh, I couldn't tell you. Not to
18 -- That's a long, long time ago.

19 Q. Did you ever have any communication
20 with anyone from Hanscom Field or Hanscom
21 Air Force Base about maintenance of any
22 roadways in town?

23 A. Not me.

24 Q. Do you know if anybody did?



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